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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,308	12/12/2001	Terry Fisher	0630-00001	5656

7590 06/03/2003
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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,308

Applicant(s)

FISHER, TERRY

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: workpiece 100 and back portion 14a as described on page 3 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 8, 10, 11 and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 13 recite the limitation "the interface" in line 7. There is insufficient antecedent basis for this limitation in the claims.

Claims 8 and 11 are rejected because they depend upon themselves.

Claim 10 is rejected because it depends from a succeeding claim.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6, 7, 9, 10 and 12-14 rejected under 35 U.S.C. 102(b) as being anticipated by Lind (3,644,994). Lind discloses guide member 24, 26; support arm 44; body piece 12; handle 22; cutting assembly 12, 14, 16, 18, 38, 32 and 34; workpiece is inherent; cut line juxtaposed between cutters 32 and 34; holder member 12, 14, 16, 18, 38; cutter wheels 32 and 34; upper portion 18; medial portion 12; lower portion 16; upper cutter wheel 32; first cutting surface 32; lower cutting wheel 34; second cutting surface 34; holder member is a unitary piece as shown in figure 1; roughly c-shaped cross section 24 and 26; open side and channel is the top surface of 26 and the front surface of 24 in figure 1; directs workpiece is a straight line; prevents motion in a direction perpendicular to a cutting direction, which is along 24 and 26 in left-to-right fashion in figure 1; guide means 24, 26; cutting width is adjustable; body piece is movable relative to a workpiece; body piece 12 is in the shape of a cube; cutting wheels in the same plane in figure 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind in view of Aurness et al. (5,048,189), hereafter Aurness. Lind discloses everything as noted above and discloses cube 12 in figure 1; slide member 48 includes interior channel juxtaposed between support arm 44 and worm 48. Lind does not disclose a generally square cross section and does not disclose a wing bolt. However, Aurness teaches square cross section through platform 14 in figure 1 and teaches wing bolt 42. It would have been obvious to provide a square cross section and a wing bolt in Lind as taught by Aurness in order to provide a measuring rod and secure the apparatus so that it doesn't change dimensions during cutting.

8. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind in view of Aurness. Lind discloses everything as noted above and discloses sliding the body piece in a transverse direction to an orientation of the guide member in column 1, lines 61-63; the guide cutter and guide member are a predetermined distance in figure 1, which is the workpiece cutting width. Lind does not disclose a wing bolt securing the body piece. However, Aurness teaches wing bolt 42. It would have been obvious to provide a wing bolt on support arm 44 in Lind as taught by Aurness in order to lock horizontal worm 48 at a set position and prevent any movement of the worm during cutting. It is further noted that Lind discloses body piece 12 is slidably coupled to support arm 44 with slider member 48 as shown in figure 1; slider member 48 receives support arm 44 in a close clearance fashion as shown in figure 1; wing bolt 42 in Aurness restricts any movement of the parts in Lind by locking slider member 48.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Decker, Angel, Whittamore, Break et al., Dunn and Hughes are cited for similar structure.

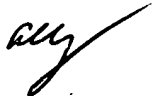
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

INA

IH

May 28, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700